

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1164

AN ACT

AMENDING LAWS 2005, CHAPTER 191, SECTION 3, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Laws 2005, chapter 191, section 3 is amended to read:

3 Sec. 3. School district redistricting commission: membership:
4 duties

5 A. The school district redistricting commission is established
6 consisting of the following members:

7 1. Four members who are not members of the legislature and who are
8 appointed by the president of the senate, no more than three of whom shall be
9 members of the same political party.

10 2. Four members who are not members of the legislature and who are
11 appointed by the speaker of the house of representatives, no more than three
12 of whom shall be members of the same political party.

13 3. Four members who are appointed by the governor, at least one of
14 these members shall be a certified teacher in this state, at least one of
15 these members shall be an administrator of a school in this state and at
16 least one of these members shall be a member of a school district governing
17 board in this state.

18 4. The superintendent of public instruction or the superintendent's
19 designee.

20 B. The commission shall elect a chairperson and a cochairperson from
21 the voting members. A quorum shall consist of a majority of the voting
22 members.

23 C. The department of education shall provide staff for the commission,
24 and the joint legislative budget committee, the governor's office of
25 strategic planning and budgeting, the school facilities board, any county
26 school superintendent in this state and any county assessor in this state
27 shall provide staff support, assistance and resources to the commission at
28 the request of the commission.

29 D. Commission members are not eligible to receive compensation, but
30 members are eligible for reimbursement of expenses under title 38, chapter 4,
31 article 2, Arizona Revised Statutes. Monies shall be paid from
32 appropriations made to the department of education.

33 E. The commission shall review all current common school districts
34 that are not part of a unified school district and consider combining these
35 common school districts into a new unified district or combining common
36 school districts with a union high school district to create unified
37 districts that offer instruction to students in programs for preschool
38 children with disabilities and kindergarten programs and grades one through
39 twelve.

40 F. THE COMMISSION SHALL REVIEW ALL SCHOOL DISTRICTS THAT TRANSPORT ALL
41 OF THEIR PUPILS TO ANOTHER SCHOOL DISTRICT FOR INSTRUCTION AND CONSIDER
42 COMBINING THESE SCHOOL DISTRICTS WITH NEW OR EXISTING UNIFIED DISTRICTS.

43 G. The commission's recommendations may include enlarging or
44 diminishing the size of affected school districts but shall also include
45 unorganized territories within recommended unified districts where

1 practicable. The commission may also determine that, based on the factors
2 considered by the commission in subsection ~~F~~ H of this section, an existing
3 common school district should remain a common school district and not be
4 included in a new unified school district recommendation.

5 ~~F~~ H. The commission shall submit a preliminary report on the proposed
6 school district unification plan to the governing boards of the affected
7 school districts by April 30, 2007. The governing boards of the affected
8 school districts shall review the preliminary report and may submit comments
9 to the commission by July 30, 2007, which may include specific
10 recommendations to modify the proposed unification plan or recommendations of
11 one or more alternative unification plans. The commission shall consider the
12 recommendations of the governing boards of the affected school districts and
13 then design and submit to the governor on or before December 31, 2007 a
14 proposed school district unification plan that includes the following
15 components:

16 1. Basing the unification plan on relevant academic and scientific
17 research regarding school size, school district size, fiscal implications and
18 legal issues that may include the following:

19 (a) Use by any of the affected districts of section 15-910 or
20 15-910.01, Arizona Revised Statutes.

21 (b) Estimated adjustment of both the primary and secondary tax rates
22 of the affected districts.

23 (c) Application of a career ladder program if not all of the affected
24 districts currently participate.

25 (d) Application of overrides authorized under title 15, chapter 4,
26 article 4, Arizona Revised Statutes.

27 (e) Estimated potential savings and efficiencies to be achieved
28 through the recommended unification.

29 (f) Application of teacher experience indexes and existing salary
30 schedules of affected districts.

31 (g) Potential impact on facilities needs due to unification.

32 (h) CONSIDERATION OF THE POSSIBILITY OF A SUPERINTENDENT CONTRACT
33 BUY-OUT.

34 2. Considering geographic boundaries and travel time of pupils. The
35 commission may recommend enlarging or diminishing the size of affected school
36 districts.

37 3. Developing a plan for unorganized territories that requires the
38 inclusion of areas where at least one per cent of the population attends a
39 public school within the boundaries of a unified school district.

40 4. The provision of regional or statewide services for administration,
41 instructional and noninstructional support services to rural or isolated
42 schools and rural and isolated school districts, or any other school district
43 that wishes to participate in the service plans.

44 5. Ensuring a smooth and efficient transition from the current number
45 of school districts in this state to the number of school districts proposed

1 in the school district unification plan, including an examination of the
2 following:

3 (a) Increasing the membership of school district governing boards to
4 nine members, especially in large school districts and school districts
5 located in urban areas.

6 (b) Mechanisms to allow the elected members of existing school
7 district governing boards to serve out the remainder of their terms.

8 (c) Assimilation by the unified school districts proposed in the
9 school district unification plan of the legal liabilities and other financial
10 and contractual obligations of the school districts being combined into a
11 unified school district.

12 6. The development of a statewide uniform school district naming
13 convention under which each school district would be assigned a legal
14 designation by county and school district number.

15 7. The review of existing statewide or regional educational service
16 agencies and the establishment where necessary of new statewide or regional
17 educational service agencies to provide for the noninstructional support of
18 school districts in the state.

19 8. The restructuring of the state's school districts as follows:

20 (a) All school districts in this state shall be unified districts that
21 serve students in at least all grades from kindergarten through grade twelve,
22 unless the commission determines otherwise.

23 (b) School districts shall be classified as rural unified school
24 districts if their student count is less than five hundred.

25 (c) School districts shall be classified as independent unified school
26 districts if their student count is more than six thousand.

27 (d) The consideration of the elimination of statutory budget
28 exemptions for school districts with a student count of less than one hundred
29 twenty-five.

30 9. Ensuring that the unification plan preserves local control while at
31 the same time maximizing an efficient and cost-effective delivery of
32 educational services.

33 10. Providing specific mechanisms for the payment of legal liabilities,
34 contractual obligations, capital debt and overrides previously accumulated by
35 school districts before the implementation of the unification plan and the
36 acquisition of legal liabilities, contractual obligations, capital debt and
37 overrides by school districts after the implementation of the unification
38 plan.

39 11. Identifying costs attributable to a unification plan subject to the
40 approval of the joint legislative budget committee.

41 **G. I.** The commission shall hold public hearings and hear testimony
42 regarding the unification of every affected school district. Hearings shall
43 be held throughout the state and shall include rural school districts. The
44 commission shall provide notice to the public at least three weeks in advance
45 of any hearing in the local district offices and in the local newspapers.

1 ~~H.~~ J. The commission shall include in the final report on the
2 proposed unification recommendations an estimate of the impact to the state
3 general fund if the proposed recommendations are approved by the voters in
4 the affected school districts and the estimated cost of the elections
5 required by the unification recommendations for reimbursement to the school
6 districts.

7 ~~I.~~ K. The governor shall sign the report submitted by the commission
8 and shall file the report with the secretary of state.

9 ~~J.~~ L. The legislature shall not appropriate any monies for use by the
10 school district redistricting commission pursuant to this section.

11 Sec. 2. School district unification; new school facilities fund

12 Notwithstanding section 15-2041, subsection D, paragraph 4, Arizona
13 Revised Statutes, a school district that unifies pursuant to Laws 2005,
14 chapter 191, section 3 may be eligible for monies distributed from the new
15 school facilities fund.

16 Sec. 3. Emergency

17 This act is an emergency measure that is necessary to preserve the
18 public peace, health or safety and is operative immediately as provided by
19 law.